

14.11.2024
tkm/ct 28
sl no. 58

C.R.M. (NDPS) 1751 of 2024

In Re : An application for bail under section 483 of the BNSS 2023 in connection with Entally PS case no. 377 of 2022 dated 22.12.2022 under sections 21(c)/29 of the NDPS Act

And

Allowed

In Re : Sk. Sajan @ Sk Roshan

... petitioner

Mr. Joy Chakraborty

..... for the petitioner

Mr. Anand Keshari

Mr. Arka Chakraborty

..... for the State

1. Petitioner is in custody for ten months. He submits there is delay in trial. He prays for bail on the ground of delay.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. Petitioner is in custody for considerable period. Two witnesses have been examined and one witness is examined in part. Prosecution proposes to examine six more witnesses. There is little possibility of trial concluding in the near future. Under such circumstances we are of the opinion petitioner has made out a case for inordinate delay in trial which entitles him to bail. Bail prayer on the ground of delay is not fettered by restrictions under sections 37 of the NDPS Act. Reference in this regard may be made to *Rabi Prakash vs. The State of Odisha*¹
4. Accordingly, the petitioner be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Judge, Special Court under NDPS Act Alipore South 24 Parganas on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

¹ 2023 SCC OnLine SC 1109

6. The application being CRM (NDPS) 1751 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)